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Department of Energy

ROCKY FLATS FIELD OFFICE
P.O. BOX 928
GOLDEN, COLORADO 80402-0928

JUN 8 1995

95-DOE-08441

Mr. Joe Schieffelin
Hazardous Waste Facilities Unit Leader
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530

Dear Mr. Schieffelin:

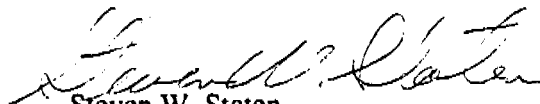
Please find enclosed, pursuant to the Interagency Agreement (IAG), the Proposed Interim Measure/Interim Remedial Action (IM/IRA) Draft Responsiveness Summary for Phase I remediation of the Solar Evaporation Ponds, Operable Unit (OU) 4. Written comments, if any, from the Colorado Department of Public Health and Environment (CDPHE) should be forwarded to the Department of Energy (DOE) by close of business on July 11, 1995.

The DOE is in receipt of the April 11, 1995, letter from the CDPHE, pertaining to the OU 4 IM/IRA addressing the Solar Evaporation Ponds. In its letter, the CDPHE stated that it had determined that Pondcrete did not meet the definition of remediation waste as that term is defined under the Corrective Action Management Unit (CAMU) rule. The April 11, 1995, letter clearly states what the CDPHE's conclusion is on this matter, however, it provides no insight as to the basis of its conclusion. Accordingly, the DOE is at a loss as to how to fully evaluate the CDPHE comments to the Proposed IM/IRA. Timely providing the DOE with a written analysis of both the legal basis and the technical basis for the CDPHE's determination that pondcrete is not a remediation waste and the CAMU rule is inapplicable is an essential consultative step in helping the DOE understand the CDPHE's comment that the CAMU rule is inapplicable to pondcrete. Moreover, this written analysis would prove beneficial for the DOE should it propose use of the CAMU rule in the future at other OUs. Providing the request written analysis by June 16, 1995 would be most timely.

The DOE, given the current dilemma over whether the pondcrete may be characterized as remediation waste and whether the CAMU rule may be applied to OU 4, recommends that the weekly OU 4 joint working group meetings be temporarily suspended. Please respond in writing with you concurrence or nonconcurrence on this matter.

If you have any questions, please feel free to contact me at 966-4839.

Sincerely,


Steven W. Staten
IAG Project Coordinator
Environmental Restoration

Enclosure

DOCUMENT CLASSIFICATION
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CLASSIFICATION OFFICE

4-10004-0000002

Mr. Joe Schieffelin
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2

JUN 8 1995

cc: w/o Enclosure
J. Alquist, EM-453, HQ
J. Ciocco, EM-453, HQ
M. Hestmark, EPA
H. Ainscough, CDPHE
J. Roberson, AMER, RFFO
D. Lindsay, OCC, RFFO
J. Wienand, ER, RFFO
B. Wu, ER, RFFO
S. Stiger, EG&G
S. Keith, EG&G
Admin. Records